

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

THOMAS E. RAY, III,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

Criminal No. 03-348 (MJD)

This matter is before the Court upon Petitioner's Application for a Certificate of Appealability. Petitioner seeks to appeal the Order of this Court dated November 29, 2006, in which the Court dismissed Petitioner's habeas petition under 28 U.S.C. § 2255.

An applicant's appeal of a final order in a habeas corpus proceeding brought pursuant to 28 U.S.C. §2255 may not proceed unless a district or circuit judge issues a certificate of appealability. 28 U.S.C. §2253(c)(1)(B). In order for a certificate of appealability to issue, an applicant must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2). "A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings." Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997). Based on the files,

records and proceedings herein, the Court finds no basis upon which to grant
Petitioner the requested relief.

IT IS HEREBY ORDERED that Petitioner's Application for a Certificate of
Appealability is **summarily dismissed**.

Date: January 9, 2007

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court